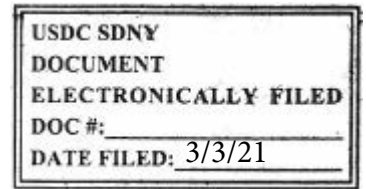


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Dr. Douglas Schottenstein,

Plaintiff,

—v—

American Society for the Prevention of Cruelty to Animals
(ASPCA), *et al.*,

Defendants.

20-cv-9961 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

As provided in the notice of initial pretrial conference, Dkt. No. 10, the parties were to have submitted a joint letter and proposed case management plan no later than 7 days before the conference. As of the date of this Order, the Court has not received the parties' materials.

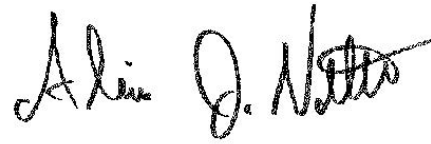
The Court therefore ORDERS that the initial pretrial conference scheduled for March 5, 2021 is hereby adjourned to March 12, 2021 at 3:00 p.m. The parties are further ORDERED to submit the materials described in Dkt. No. 10 by March 5, 2021. As noted in Dkt. No. 19, in the joint letter, the parties should advise the Court if they can do without a conference altogether. If so, the Court may enter a case management plan and scheduling order and the parties need not appear. If not, the Court will hold the initial pretrial conference by telephone. The parties and members of the public may access the proceeding by dialing (888) 363-4749 and entering access code 9196964.

This is the second time the Court has had to adjourn the initial pretrial conference due to a failure to submit the required materials. The Court again warns that failure to abide by this Order may result in the case being dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b); *Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014) ("Rule 41(b) of the Federal Rules of Civil

Procedure authorizes the district court to dismiss an action “[i]f the plaintiff fails to prosecute or to comply with [the] rules or a court order.””).

SO ORDERED.

Dated: March 3, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", written in a cursive style.

ALISON J. NATHAN
United States District Judge